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By: **Senator DeGrange**

Introduced and read first time: February 2, 2004

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Railroad Police Officers - Scope of Powers**

3 FOR the purpose of providing that a railroad police officer who is employed by a  
4 certain railroad company may exercise the powers of a peace or police officer  
5 anywhere in the State if the railroad police officer is investigating a crime that  
6 occurred on property that is owned, leased, operated, or controlled by the  
7 railroad company or attempting to prevent a crime against the operations of the  
8 railroad company; and generally relating to railroad police officers.

9 BY repealing and reenacting, without amendments,

10 Article - Public Safety  
11 Section 3-401  
12 Annotated Code of Maryland  
13 (2003 Volume)

14 BY repealing and reenacting, with amendments,

15 Article - Public Safety  
16 Section 3-406  
17 Annotated Code of Maryland  
18 (2003 Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Public Safety**

22 3-401.

23 (a) In this subtitle the following words have the meanings indicated.

24 (b) (1) "Railroad company" means a railway company or corporation,  
25 together with its subsidiaries, corporate affiliates, and parent companies, that is  
26 engaged as a common carrier in the furnishing or sale of transportation subject to  
27 Subtitle IV of Title 49 of the United States Code.

1           (2)     "Railroad company" includes a corporation the title of which contains  
2 a combination of words similar to "railway company".

3     (c)     "Railroad police officer" means an individual appointed by the Governor to  
4 act as a police officer for a railroad company under this subtitle.

5     (d)     "Secretary" means the Secretary of State Police.

6 3-406.

7     (a)     Each railroad police officer has all the powers granted to a peace or police  
8 officer.

9     (b)     [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A  
10 railroad police officer may exercise the powers granted under this subtitle only if the  
11 railroad police officer:

12           (1)     is on real or personal property owned, leased, operated, or controlled  
13 by the railroad company that employs the railroad police officer;

14           (2)     is in fresh pursuit of a suspect;

15           (3)     is requested or authorized to act by the executive officer or chief  
16 police officer of a county; or

17           (4)     is ordered to act by the Governor.

18     (C)     IF A RAILROAD POLICE OFFICER IS EMPLOYED BY A RAILROAD COMPANY  
19 THAT IS CLASSIFIED AS A CLASS I CARRIER UNDER 49 C.F.R. 1201.1-1, THE RAILROAD  
20 POLICE OFFICER MAY EXERCISE THE POWERS GRANTED UNDER THIS SUBTITLE  
21 ANYWHERE IN THE STATE IF THE RAILROAD POLICE OFFICER IS:

22           (1)     INVESTIGATING A CRIME THAT OCCURRED ON PROPERTY THAT IS  
23 OWNED, LEASED, OPERATED, OR CONTROLLED BY THE RAILROAD COMPANY; OR

24           (2)     ATTEMPTING TO PREVENT A CRIME AGAINST THE OPERATIONS OF  
25 THE RAILROAD COMPANY.

26     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2004.